

## Nadler Applauds House Support for Oversight of PATRIOT Act Powers

Tuesday, 08 November 2005

WASHINGTON, D.C. — The House of Representatives today agreed to sunset three controversial provisions of the PATRIOT Act after four years. Hard-line House supporters of the President's policies had previously insisted on implementing only two ten-year sunsets.

"The House showed a desperately needed measure of common sense in agreeing to four-year sunsets today," Congressman Nadler said. "It's clear that we need expanded law-enforcement powers to fight terrorism, but it's just as clear that we need to be rigorous in monitoring the use of those powers. Implementing four-year sunsets on the PATRIOT Act's most controversial provisions is the very least we can do to ensure proper oversight."

Congressman Nadler was appointed today to the House-Senate conference committee. The committee will meet over the next few days to draft a final version of the legislation, which was reauthorized separately by both houses earlier this year. The motion to instruct conferees passed by the House today essentially sets forth an agreement that the House will accede to the Senate's four-year sunsets on Section 206, Section 215, and the so-called Lone Wolf provision. The original version of the PATRIOT Act, passed in the weeks following the September 11, 2001 terrorist attacks, included 16 four-year sunsets.

Congressman Nadler has argued throughout the reauthorization process that frequently recurring sunsets are critical to adequate congressional oversight of the PATRIOT Act. Many provisions of the legislation are considered by conservative and liberal groups alike to threaten Americans' civil liberties.

Nadler rose on the House floor to deliver the following statement in support of the motion:

"Mr. Speaker, I rise in support of the Motion to Instruct Conferees on extending Patriot Act sunsets.

The PATRIOT Act Reauthorization bill that passed the House makes permanent the most dangerous and intrusive provisions of the PATRIOT Act. This legislation makes permanent fourteen of the sixteen sunsetted provisions. The remaining two sunset provisions are renewed for ten-years. These provisions will be in effect through the next Presidential term, and most of the way through the one after that before any Congressional oversight is mandated.

Ten years is not a sunset. Ten years is quasi-permanent.

Today, with this Motion to Instruct Conferees, we have an opportunity to correct this abdication of responsibility, and again seek to strike a better balance between national security and civil liberties.

The PATRIOT Act provisions due to sunset are particularly worrisome because they expand the powers of the police to pry into the privacy of ordinary Americans, to go into their homes, into their papers, into their internet records, into their telephone records, into their medical records and into their bank records.

Reinstating the sunsets is about accountability. The breadth of many of these provisions—including section 206

(roving wiretap), section 213 (sneak and peek), section 215 (the library provision) and section 505 (National Security Letters)—creates the potential for abuse. We need sunsets to guarantee frequent and timely Congressional examination of the need for these invasive and intrusive powers.

Mr. Sensenbrenner has said that these provisions are not being abused. How does he know? We were appalled to read this past Sunday in the Washington Post that the FBI issues more than 30,000 national security letters a year in &ldquo;preliminary investigations&rdquo; and in the &ldquo;threat assessments&rdquo; made before deciding whether or not to launch an investigation. These tens of thousands of invasive government demands for sensitive and private information have resulted in the collections of possibly hundreds of millions of personal facts of innocent American citizens, residents and businesses. This abuse and overuse of NSLs coincides with the Bush Administration&rsquo;s decision to file the collected information in government databases.

Sunsets have been the major check on any abuse of the PATRIOT Act. They mean that at least every 4 years Congress is required to look at the law again, has to revisit it, and has to ask tough questions on the use, or abuse, of these powers.

At least every 4 years we should have to look into the burdens on our civil liberties imposed by the PATRIOT Act and ask, &ldquo;Are these powers being abused? Should they be fine tuned? Should they be narrowed? Have we made the right balance between security and liberty? What can we do to ensure that our constitutional rights are not violated to the greatest extent possible?&rdquo;

For these reasons, we should reinstate the sunsets for an additional 4 years. The FBI will have all the powers it needs. It will merely have to hold itself accountable to Congress and the American people in four years about how these powers are used. Why is that so terrible?

I call on all my colleagues&mdash;Democrats and Republicans, Liberals and Conservatives&mdash; to safeguard the national security and the civil liberties of all Americans by voting for this motion.&rdquo;

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